

MEMO ENDORSED

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January 30, 2024

***PARTIALLY REDACTED<sup>1</sup>***

**BY ECF AND HAND DELIVERY**

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

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**Re: United States v. Robert Birch, 23 CR 563 (LAK) (SDNY)**

Dear Judge Kaplan:

I am writing on behalf of defendant Robert Birch and without objection from the government to respectfully request a six-week adjournment of the February 7, 2024 status conference before Your Honor. As I mentioned during our November 8, 2023 initial appearance, the defendant is 18 years old and facing a combined 45 year mandatory minimum sentence for crimes involving, *inter alia*, his minor girlfriend whom he dated in and following high school. Given this potential draconian punishment, I informed the Court at this appearance that the defense would be putting together a mitigation submission at the invitation of the government, which would first require a thorough review of the voluminous discovery [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>1</sup> Pursuant to the Southern District's ECF Privacy Policy, sensitive information concerning the treatment and diagnosis of the defendant has been redacted from the public filing. An unredacted copy will be hand delivered to the Court.

JEFFREY LICHTMAN

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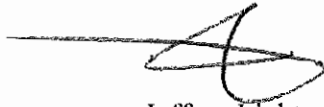
[REDACTED]

At the same time, we have been continuously reviewing the voluminous discovery provided by the government, with the bulk disclosed on December 11, 2023 and December 22, 2023, although additional, smaller productions have continued to be made as recently as last Friday. Unfortunately, there was a transmission issue with the December 22, 2023 production and a replacement hard drive containing certain portions of that production are in transit to my office from the government. Due to this issue and the size of the discovery in general, our review is not yet complete despite our best efforts.

The adjournment that we seek will permit counsel the possibility of obviating the need for motion practice in that we hope to submit our mitigation package to the government in the intervening period so that the parties may begin to discuss a disposition of the case in earnest.

Thank you for the Court's consideration of this application. I remain available for a conference should Your Honor deem it necessary.

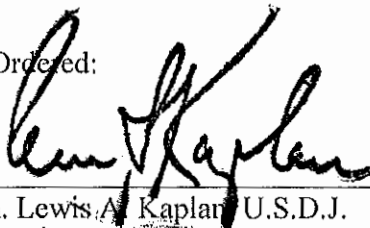
Respectfully submitted,



Jeffrey Lichtman

cc: Jamie Bagliebter, Esq.  
Elizabeth Espinosa, Esq.  
Assistant United States Attorneys (by ECF and email)

So Ordered:



Hon. Lewis A. Kaplan U.S.D.J.

2/1/2024